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SUBJECT: IRAQIS RENEW VOWS TO FIGHT CORRUPTION IN 2009

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¶1. (SBU) SUMMARY: Continuing their public commitment to fight corruption, Iraqi anti-corruption officials spoke out at an annual "Day of Integrity" gathering about their 2009 plans. All spoke of the need to fight corruption and both the Chairman of the COR's Integrity Commission and the Commission on Integrity Commissioner called for a repeal of the law 136 (B) which gives ministers the authority to quash investigations. Speakers suggested restructuring of and more transparency in government, with more independent anti-corruption agencies and more qualified personnel in those agencies. A number of academic, technical papers were presented on such issues as money laundering, administrative investigation difficulties, and legal procedures. In a separate meeting, the newly arrived Anti-Corruption Coordinator was told of the GOI's work on a restructured, multi-year anti-corruption strategy action plan and that comprehensive anti-corruption legislation should be ready soon. Given the shortcomings in the Goi's anti-corruption efforts during the declared 2008 Year of Anti-Corruption with its inadequate 18 point national strategy, (reftel), it is good to note they are working on a new plan. End Summary.

¶2. (SBU) On the opening day of the annual "Day of Integrity" two day event December 30-31, sponsored by the Commission on Integrity (COI), Sheikh Sabah Al-Saidi, Chairman of the Council of Representatives' (COR) Integrity Committee, Acting COI Commissioner Judge Rahim al-Ugailiy, and Chief of the Supreme Court Judge Medhat Mamood gave comprehensive speeches on the need for redoubled GOI efforts to combat corruption and concrete suggestions on how to do it. Sheikh Sabah and Judge Rahim both urged the government to repeal a provision in the Criminal Procedure Code, 136 (B), that gives ministers the authority to quash criminal investigations at all levels, including against themselves. Sheikh Sabah noted the lack of coordination among the different governmental branches and called for government restructuring and a merger of some ministerial portfolios so as to reduce the number of ministries from 40 to 25. He said the Parliament should move forward with the draft laws for the government's anti-corruption agencies, the COI, Board of Supreme Audit (BSA) and the Inspectors General (IGs), currently in the Prime Minister's office for redrafting. Sheikh Sabah called for a new school anti-corruption curriculum for children in kindergarten through university grades. The speakers also noted the need for legislation to make government more transparent and for more qualified people to fight corruption. Ali Alaaq, Head of the National Anti-Corruption Board (formerly the Joint Anti-Corruption Council - JACC - renamed in November) spoke for the Prime Minister, who did not attend the event. Alaaq and Judge Medhat both mentioned the GOI's achievement in signing and ratifying the United Nations Convention against Corruption (UNCAC), with Judge Medhat urging the government to now work to implement the UNCAC. Judge Medhat also declared the courts as the final arbitrators of cases and the key institution for fighting corruption, with the other

institutions in a supporting role.

¶3. (SBU) The COI's Judge Rahim emphasized the economic ramifications of corruption and he proclaimed the need for everyone in the government and in civil society groups to take responsibility for fighting corruption. Rahim claimed that the COI had investigated and then submitted more than 3000 anti-corruption cases to the investigative judges, while Q3000 anti-corruption cases to the investigative judges, while more than 4000 referred to the COI remained to be processed. He called for a strategy to build public confidence in the anti-corruption agencies and in the government and asked that measures be taken to end the politicization of the COI. Rahim said corruption must be dealt with at its root causes and not simply as criminal violations. Judge Rahim concluded with a plea for independence for the anti-corruption agencies.

¶4. (SBU) The second day was dedicated to the presentation of academic papers on anti-corruption issues. Topics included money laundering and other financial schemes, administrative investigations, and legal practices in the fight against corruption. These discussions were technical in nature, but as in the case of money laundering, the point was made that Iraq lacks the updated, state of the art legal tools to deal with those crimes and is looking to other countries to provide assistance. In particular, the administrative investigative procedures pose serious problems for the IGs and COI as ministers can hold their own "court" or "board" hearings to decide an employee's fate, bypassing both the IGs and the COI. There is concern employees' rights are not protected, including the right to have a lawyer present. Judge Rahim was critical of these boards, saying

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they are just going after the "little guys" and not the leadership committing the larger scale corruption.

¶5. (SBU) The recently arrived Anti-Corruption Coordinator met separately with Ali Alaq December 31. Alaq said work is continuing on a comprehensive anti-corruption law and that the draft should be ready soon. Alaq noted he wanted to consult with the U.S. and the International Community before finalizing this law. He added that work continues on the GOI's new three to five year action plan to combat corruption which Alaq thought would be ready in draft form in about a month.

¶6. (SBU) COMMENT: While the COI predictably used the "Day of Integrity" to tout its claimed achievements, the presentations highlighted the pressing need for improvement in the GOI's overall anti-corruption record. It was particularly noteworthy in this respect to hear high officials such as Judge Rahim and Sheikh Sabah publicly come out for the repeal of 136 (B). Given the shortcomings in the GOI's performance during the declared 2008 Year of Anti-Corruption with its inadequate 18 point national strategy and lack of follow-up (reftel), Ali Alaq's professed commitment to the creation of a new multi-year anti-corruption strategy action plan was also noteworthy. Regarding the draft comprehensive anti-corruption law that Alaq mentioned, it remains to be seen what the specific elements of this law will be and whether the GOI will submit it to the COR as a priority item. End Comment.

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